IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20118 of 2004

Between:

B. Chandra Sekhar, S/o Ayyanna,
State Bank of India, Kandukur Beranch, Prakasam District.

..... PETITIONER

AND

1. The General Manager - II (General Manager D & PB), State Bank of India,

Local Head Office, SBI Buildings, Bank Street,Koti, Hyderabad.
2 The Deputy General Manager, State Bank of India, Zonal Office, Tirupathi.
3 Sri A. Raghavendra Char, State Bank of India, Zonal Office, Tirupathi.
4 Sri T. Venkaiah, State Bank of India, Podili Branch, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of "Writ of Certiorari", call for the records of the proceedings No. DPC-DGM-012, dt. 1-7-2004 on the file of the 2nd respondent and set aside the same as illegal, arbitrary and unconstitutional and

Counsel for the Petitioner:MR.V.RAJA MANOHAR

Counsel for the Respondent No.: MR.K.SRINIVASAMURTHY

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Certiorari to declare the action of the 2nd respondent in issuing proceedings No. DPC-DGM-012, dated 01-07-2004 as illegal and arbitrary.

It is stated that the petitioner was initially appointed as Probationary Officer in the 2nd respondent Bank. He belongs to Scheduled caste. It is mentioned in the affidavit filed in support of the writ petition that the 2nd respondent being the Deputy General Manager of State Bank of India, issued proceedings in Staff:Con:No.156, dated 01-10-2003 placing the petitioner under suspension and a charge memo in proceedings DPC-DGM/08 dated
12-02-2004 was served on him on certain allegations. By a letter dated 01-03-2004 the petitioner requested the bank authorities to furnish a copy of the complaints alleged to have been made against him. Even though the 2nd respondent, by a letter dated 22-03-2004 rejected the request of the petitioner, he submitted his explanation on 05-04-2004 denying all allegations leveled against him. It is further mentioned that the 2nd respondent by an order dated 21-02-2004 revoked his suspension, reinstated into service and posted him at Kandukuru.

The grievance of the petitioner is that the 2nd respondent bank did not serve the copies of the complaints and also the statements of the witnesses recorded during the course of preliminary enquiry and therefore, it is not possible to him to proceed with the departmental enquiry.

Sri B.Tarakaram, learned senior counsel appearing for the petitioner submits that without furnishing the copies of the necessary documents relating to the departmental enquiry to the petitioner, it is difficult for him to proceed further in this regard.

On the other hand, the learned Standing Counsel appearing for the respondents contended that the relevant documents, which the department intends to rely upon, would be furnished to the petitioner at the time of enquiry.

I have perused the material on record.

On a perusal of the material available on record, it is evident that the respondents-

bank authorities have not furnished the relevant documents relating to the departmental enquiry to the petitioner.

Therefore, without going into the merits of the case,

I am of the view, the interests of justice would be met if the respondents 1 and 2 are directed to furnish the copies of all the relevant papers relating to the departmental enquiry, which the bank authorities intend to rely upon in the departmental enquiry such as the complaints so also the statements of the witnesses recorded during the preliminary enquiry to the petitioner before commencement of the said departmental enquiry.

With the above direction, the writ petition is disposed of. No costs.

03-02-2005

MjI/*

TO

1. The General Manager - II (General Manager D & PB), State Bank of India,

Local Head Office, SBI Buildings, Bank Street,Koti, Hyderabad.
2 The Deputy General Manager, State Bank of India, Zonal Office, Tirupathi.
3. 2 CD copies.